

Message Text

CONFIDENTIAL

PAGE 01 STATE 062523

60

ORIGIN IO-03

INFO OCT-01 ISO-00 /004 R

66011

DRAFTED BY IO/HDC:JBUCZACKI:DD

APPROVED BY IO/HDC:RANDREW

----- 023642

R 152150Z MAR 76

FM SECSTATE WASHDC

INFO USMISSION GENEVA 8266

C O N F I D E N T I A L STATE 062523

FOLLOWING REPEAT BOGOTA 2702 ACTION SECSTATE INFO DEA HQS

CARACAS 12 MAR

QUOTE

C O N F I D E N T I A L BOGOTA 2702

DEPT FOR SCA ARA AND S/SNM

CARACAS FOR DEA

EO: 11652: N/A

TAGS: SNAR CO

SUBJ: NARCOTICS: GOC PLANS TO DOUBLE PENALTIES FOR DRUG TRAF-
FICKING, RELAX PENALTIES FOR SIMPLE MARIJUANA POSSESSION

REF: BOGOTA'S 2894

SUMMARY: DRAFT GOC DECREE WOULD DOUBLE PRISON TERMS FOR TRAFFICK-
ING (INCLUDING MARIJUANA) FROM THE PRESENT THREE TO 12 YEARS TO
SIX TO 24 YEARS, THE MAXIMUM ALLOWABLE PUNISHMENT UNDER THE CO-
LOMBIAN CONSTITUTION. THE MINIMUM PENALTY FOR SIMPLE POSSESSION
OF 28 GRAMS (ONE OUNCE) OR LESS OF MARIJUANA WOULD BE REDUCED
TO A FINE.

1. ACCORDING TO THE EXECUTIVE SECRETARY OF THE GOC NATIONAL
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 062523

COUNCIL ON DANGEROUS DRUGS, COLOMBIA WILL SHORTLY PROMULGATE A

DECREE SIGNIFICANTLY STIFFENING PENALTIES FOR DRUG TRAFFICKING, WHILE AT THE SAME TIME REDUCING THOSE FOR SIMPLE MARIJUANA POSSESSION. PRESENT LEGISLATION CALLS FOR SENTENCES OF FROM THREE TO 12 YEARS, AND FINE, FOR TRAFFICKING. NEW LEGISLATION WILL PROVIDE A MINIMUM SENTENCE OF SIX YEARS AND A MAXIMUM OF 24--THE MOST THE COLOMBIAN CONSTITUTION ALLOWS. FINES LEVIED AGAINST CONVICTED TRAFFICKERS ARE ALSO LIKELY TO BE DOUBLED.

2. WHILE EXISTING LEGISLATION BLURS THE DIFFERENCE BETWEEN TRAFFICKING IN MARIJUANA AND SIMPLE POSSESSION, AND LEAVES THIS DISTINCTION UP TO COLOMBIAN JUDGES, THE NEW LEGISLATION DEFINES SIMPLE POSSESSION OF MARIJUANA AS ANY AMOUNT NOT EXCEEDING 28 GRAMS. THE MINIMUM PENALTY FOR SIMPLE POSSESSION WOULD BE A FINE, NOT A JAIL TERM AS UNDER CURRENT (1973) LAWS. THE COURT COULD, HOWEVER, ORDER DEFENDANTS CONVICTED OF SIMPLE POSSESSION TO UNDERGO CLINICAL EXAMINATION. IF THE DEFENDANT REFUSED TO ABIDE BY SUCH ORDER OR REFUSED TO PAY A FINE, HE COULD GO TO JAIL. TRAFFICKING IN MARIJUANA WOULD STILL BE SUBJECT TO THE HEAVIER PENALTIES.

3. DRUGS OTHER THAN MARIJUANA ARE NOT RPT NOT COVERED UNDER SIMPLE POSSESSION PROVISIONS OF THE DRAFT DECREE. THEREFORE, COURTS WOULD BE LIKELY TO CONTINUE TO IMPOSE SENTENCES FOR TRAFFICKING ON PERSONS CONVICTED OF POSSESSION OF SMALL AMOUNTS OF COCAINE OR OTHER HARD DRUGS.

4. THOUGH WE HAVE NOT YET SEEN THE TEXT OF THE NEW DECREE, WHICH IS STILL BEING REVISED, IT IS APPARENTLY BASED UPON A STUDY OF US FEDERAL AND STATE NARCOTICS LAWS. MINISTER OF JUSTICE HOYOS ARANGO BEGAN PAVING THE WAY FOR ISSUANCE OF THE NEW LEGISLATION AT LAST WEEKEND'S NATIONAL MEDIA SEMINAR ON DRUGS, SPONSORED BY THE NATIONAL COUNCIL ON DANGEROUS DRUGS (WHICH HE CHAIRS) AND THE EMBASSY. IN HIS SPEECH PREPARED FOR THE SEMINAR AND IN A FOLLOW-UP TV INTERVIEW THE MINISTER STRESSED THE NEED TO RE-EXAMINE COLOMBIA'S TREATMENT OF NON-TRAFFICKER DRUG OFFENDERS IN LIGHT OF EXPERIENCE IN EUROPE AND THE US.

5. THE MISSION WILL PROVIDE WASHINGTON WITH A SUMMARY AND ENGLISH TRANSLATION OF THE NEW DRUG LAW AS SOON AS IT IS ISSUED. WE WILL ALSO REVISE OUR DRUG INFORMATION PAMPHLET FOR AMCITS (WHICH IS DISTRIBUTED BY GOC IMMIGRATION OFFICIALS AND AIRLINES) TO REFLECT CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 062523

NEW, HARSHER COLOMBIAN PENALTIES FOR TRAFFICKING IN DRUGS. VAKY UNQTE. KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, LAW, DRUG TRAFFIC
Control Number: n/a
Copy: SINGLE
Draft Date: 15 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: saccheem
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE062523
Document Source: CORE
Document Unique ID: 00
Drafter: JBUCZACKI:DD
Enclosure: DG ALTERED
Executive Order: GS
Errors: N/A
Film Number: D760098-0044
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760359/aaaacadh.tel
Line Count: 109
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: saccheem
Review Comment: n/a
Review Content Flags:
Review Date: 07 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 MAY 2004 by woolflhd>; APPROVED <27 SEP 2004 by saccheem>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NARCOTICS: GOC PLANS TO DOUBLE PENALTIES FOR DRUG TRAF- FICKING, RELAX PENALTIES FOR SIMPLE MARIJUANA POSSESSION
TAGS: SNAR, CO
To: GENEVA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006